

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION**

**This Document Relates To:**

**All Cases**

**MDL No.: 1:13-md-2419-FDS**

**PLAINTIFFS' STEERING COMMITTEE'S MOTION FOR  
APPROVAL OF PROPOSED MEDIATION FEE-SHARING STRUCTURE**

On August 15, 2013, this Court entered an Order on Mediation Program (the "Mediation Order"). On November 6, 2013, this Court appointed Resolutions, LLC as mediator. The Parties who will be participating in mediation have conferred and, at the request of the mediator, the Plaintiffs' Steering Committee ("PSC") has drafted a proposed "Mediation Fee-Sharing Structure," attached as Exhibit 1 hereto. The proposed fee-sharing structure has been approved by Resolutions LLC, the PSC, the Official Committee of the Unsecured Creditors, the Bankruptcy Trustee, Victory Heating & Air Conditioning Co., Victory Mechanical Services, Inc., and (with the conditions described in footnote 2 of the proposal) ARL BioPharma, Inc.<sup>1</sup>

Wherefore, the PSC requests entry of an order approving the proposed Mediation Fee-Sharing Structure.

---

<sup>1</sup>Carlos Jassir, M.D., Pain Management Center of West Orange does not consent to the fee sharing proposal.

Dated: November 22, 2013

Respectfully Submitted,

/s/ Thomas M. Sobol

Thomas M. Sobol  
Kristen Johnson Parker  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Phone: (617) 482-3700  
Fax: (617) 482-3003  
[tom@hbsslaw.com](mailto:tom@hbsslaw.com)  
[kristenjp@hbsslaw.com](mailto:kristenjp@hbsslaw.com)

*Plaintiffs' Lead Counsel*

Elizabeth J. Cabraser  
Mark P. Chalos  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111  
Phone: (415) 956-1000  
Fax: (415) 956-1008  
[ecabraser@lchb.com](mailto:ecabraser@lchb.com)  
[mchalos@lchb.com](mailto:mchalos@lchb.com)

*Federal/State Liaison*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Phone: (248) 557-1688  
Fax: (248) 557-6344  
[marc@liptonlawcenter.com](mailto:marc@liptonlawcenter.com)

Kim Dougherty  
JANET, JENNER & SUGGS, LLC  
75 Arlington Street  
Suite 500  
Boston, MA 02116  
Phone: (617) 933-1265  
[kdougherty@myadvocates.com](mailto:kdougherty@myadvocates.com)

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, VA 24016  
Phone: (540) 342-2000  
[pfennell@crandalllaw.com](mailto:pfennell@crandalllaw.com)

J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSTETTER, STRANCH & JENNINGS PLLC  
227 Second Avenue North  
Nashville, TN 37201  
Phone: (615) 254-8801  
Fax: (615) 255-5419  
[gerards@branstetterlaw.com](mailto:gerards@branstetterlaw.com)

Mark Zamora  
ZAMORA FIRM  
6 Concourse Parkway, 22nd Floor  
Atlanta, GA 30328  
Phone: (404) 451-7781  
Fax: (404) 506-9223  
[mark@markzamora.com](mailto:mark@markzamora.com)

*Plaintiffs' Steering Committee*

### **CERTIFICATE OF SERVICE**

I, Thomas M. Sobol, hereby certify that I caused a copy of the above Plaintiffs' Steering Committee's Motion For Approval of Mediation Agreement Guidelines to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: November 22, 2013

/s/ Thomas M. Sobol  
Thomas M. Sobol